

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**



YOLANDA E. BRITTLE,

Plaintiff,

V.

DEUTSCHE BANK NATIONAL
TRUST COMPANY,

and

LITTON LOAN SERVICING, L.P.,

and

**MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,**

and

SAMUEL I. WHITE, P.C.,

Defendants.

Case No.:

Case No.: 1:11cv339 LMB/TRJ

NOTICE OF REMOVAL

The Defendants Deutsche Bank National Trust Company (hereinafter “Deutsche”), Litton Loan Servicing, L.P. (hereinafter “Litton”), Mortgage Electronic Registration Systems, Inc. (hereinafter “MERS”), Samuel I. White, P.C. (hereinafter “SIWPC”), by counsel, jointly (collectively referred to as “Defendants”), hereby provides notice pursuant to 28 U.S.C. §§ 1441 and 1446 of the removal of the above-captioned case from the Circuit Court for Fauquier County, Virginia to the United States District Court for the Eastern District of Virginia. As grounds for removal, Defendants state the follows:

Background

1. On or about November 15, 2010, Plaintiff Yolanda E. Brittle ("Plaintiff") filed a complaint against Defendants in the Circuit Court for the Fauquier County, Virginia (the "State Court Action"). A copy of the Complaint is attached hereto as Exhibit "A." The State Court Action was assigned case number CL10000746-00. This action involves the property located at 4763 Winchester Road, The Plains, Virginia 20198 ("Property"). The Property was sold at foreclosure sale on February 2, 2010 to Deutsche. The Plaintiff now files this suit to, among other things, set aside the foreclosure sale.

2. In her complaint, Plaintiff asserts the following causes of action against Defendants:

- a. Count I: Violation of Va. Code Ann. § 55-59.2
- b. Count II: Breach of Fiduciary Duty
- c. Count III: Violation of the Truth in Lending Act (15 U.S.C. § 1601 et seq.) ("TILA")

Federal Question

3. This action is removable pursuant to federal question jurisdiction under 28 U.S.C. § 1331. The Plaintiff seeks relief pursuant to the Truth in Lending Act (15 U.S.C. § 1601 et seq.)

4. Pursuant to her Complaint, Petitioner alleges that Defendants violated various provisions of TILA and therefore seeks actual and statutory damages, pursuant to the act.

5. Removal of this action is timely. 28 U.S.C. § 1446(b) provides that, "[t]he notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim

for relief upon which such action or proceeding is based[.]” In this case, the Plaintiff never served the Complaint; however, the Defendants waived service on March 3, 2011 by making an appearance. This Notice of Removal is being filed within the United States District Court for the Eastern District of Virginia on March 31, 2011, within 30 days after making an appearance in the case.

Procedural Compliance

5. Attached to this Notice of Removal as Exhibit “A.”, and incorporated by reference, is a copy of Plaintiff’s Complaint, which is the only “process, pleading or order” in the Defendants’ possession. 28 U.S.C. § 1446(a).

6. On March 3, 2011, The Defendants made general appearance by filing a demurrer with the Circuit Court of Fauquier County. A copy of the Demurrer is attached hereto as Exhibit “B”.

7. Defendants are serving contemporaneously with this filing, a copy of the Notice of Removal upon Plaintiff’s counsel, as well as all other named Defendant, Fremont Investments & Loan (Fremont Reorganizing Corporation) in this matter. Defendants will also file with the Clerk of Court for Fauquier County, a Notice of Filing of Notice of Removal, as required by 28 U.S.C. § 1446(d).

8. Based upon the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, and this action is properly removed to the Court.

WHEREFORE, Defendants Deutsche Bank National Trust Company, Litton Loan Servicing, L.P., Mortgage Electronic Registration Systems, Inc., Samuel I. White, P.C. hereby give notice that the State Action is removed to this Court.

[Signature continued on the next page]

Respectfully submitted,

**DEUTSCHE BANK NATIONAL TRUST COMPANY,
LITTON LOAN SERVICING, L.P., MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS, INC.
AND SAMUEL I. WHITE, P.C.**

March 31, 2011

By: 

Christopher L. Walker, Esquire (VSB No.: 66758)
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*Counsel for Deutsche Bank National Trust
Company, Litton Loan Servicing, L.P., Mortgage
Electronic Registration Systems, Inc. and Samuel I.
White, P.C.*

CERTIFICATE OF SERVICE

This is to certify that on this 31st day of March, 2011, I caused a true and correct copy of the foregoing Notice of Removal to be delivered via first-class mail, postage prepaid, upon the following:

August McCarthy, Esq.
1 Wall Street
Warrenton, Virginia 20186
Counsel for Yolanda E. Brittle

Fremont Investments & Loan
(Fremont Reorganizing Corporation)
c/o CT Corporation
4701 Cox Road, Suite 301
Glen Allen, Virginia 23060



Christopher L. Walker